

35. (Original) The system of claim 34, wherein said acknowledgment process utilizes a symmetrical DES algorithm based on said cryptographic key.
36. (Original) The system of claim 35, wherein said DES algorithm is a triple-DES algorithm.
37. (Cancelled).

REMARKS

In the Office Action mailed December 1, 2003, the Examiner rejected all pending claims 19, 27, and 34-36. Claims 19 and 34 have been amended. As a result, claims 19, 27, and 34-36 remain pending in the present application (2 independent claim, 8 claims total). No new matter has been added by this Amendment. Reconsideration is respectfully requested in light of the following Remarks.

A. Claim Rejections - 35 U.S.C. § 112

Claims 19 and 34 stand rejected under Section 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

With respect to claim 19, the Examiner asserts that the limitation "a public key acknowledgment . . ." is not clear with respect to "how a public key can be of indication of an acknowledgment unless it is used to create a digital token or signature." The Examiner continues, asking, "[a]dditionally, whose public key is this 'key'?" Further with respect to claim 19, the Examiner questions the phrase "making . . . acknowledgment available . . .", and how this takes place. The Examiner also asks who "the validating party" refers to. With respect to claim 34, the Examiner states that "information owner" lacks antecedent basis.

While Applicant traverses these rejections, in the interest of compact prosecution, claims 19 and 34 have been amended to further clarify the claimed subject matter. Accordingly, Applicant respectfully requests that these Section 112 rejections be withdrawn.

B. Claim Rejections -- 35 U.S.C. § 103

Claims 19, 27, and 34-36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,390,374 (the "Carper reference") in view of U.S. Patent No. 6,105,008 (the "Davis reference"). Applicant traverses these rejections and submits that no combination of the cited references and prior art of record would include each and every element of the pending claims as amended, and further submits that there is no motivation to combine these two references.

The Carper reference indeed generally discloses a system for installing and de-installing applications to a smartcard. However, the Carper reference does not perform "delegation" as recited in the claims as amended and as explained below. The various locations in the specification cited by the Examiner (for example, column 6, lines 49-50) disclose a system wherein "[b]efore converting the new application data object into the second application, the first application may verify the authenticity of the new application data object using a digital signature." As noted below, this involves "calling the second application from the download manager." However, the "download manager" of the Carper reference is not the same, nor does it suggest, a third party that performs a delegated download as claimed in the present application. That is, the download manager of the Carper reference refers to aspects of the operating system which "defines a plurality of functions including a 'download manager'". The download manager is a piece of code . . ." (Column 11, lines 1-5). That is, the download manager is not a third party;

it is a part of the operating system of the card itself. The Carper reference therefore does not include this delegation element as recited in the independent claims.

Similarly, the Davis reference does not disclose a system wherein the data is transferred by the external device as delegated by the issuer as variously recited in the claims as amended. The transfer of data disclosed in the Davis reference is not delegated, but is merely initiated by the User himself (see step 871 in Fig. 18A), after which the client terminal (which interfaces with the smart card) issues the load request to the load server (step 878 in Fig. 18A). In contrast, the present invention, as embodied in the pending claims, involves the delegated download of software in a way which is essentially transparent to the User of the smartcard. Specifically, the data (specifically, the "software") is transferred "as delegated by" the information owner (e.g., the issuer) as recited in claims 1, 9, and 34.

Furthermore, the Davis reference does not disclose a system wherein the information is associated with the information owner (or issuer) as recited in the independent claims. The Davis reference involves the transfer of funds from the payment server (item 206 in Fig. 5) to the merchant server (item 208 in Fig. 5); however, the monetary amount is not "associated with" the merchant server in the sense used in the present application. That is, the merchant server of Davis is not an "information owner" in the way the card issuer is the information owner of the transferred software delegated to the third party ("the external device") as recited in pending independent claims 1 and 19.

Because even the combination of the cited references fails to anticipate each and every element of the independent claims, the dependent claims are believed to be patentable *a fortiori* and a detailed response to each of the dependent claim rejections is not necessary at this time. Nevertheless, Applicant reserves the right to independently demonstrate the patentability of any

element found in the dependent claims at a later date. Furthermore, there is no need to discuss in detail the fact that there is no motivation or suggestion to combine the two references.

In summary, the cited references fail to disclose, suggest, or teach one or more elements of independent claims 19 and 34 as amended and the various dependent claims depending therefrom. Accordingly, Applicants respectfully request that the Section 103 rejections be withdrawn.

C. Conclusion


In view of the above remarks, Applicants respectfully submitted that the foregoing remarks fully address the Examiner's objections, and that all of the pending claims comply with 35 U.S.C. § 112, are patentable over the art of record, and are in condition for allowance.

A Notice of Allowance respecting all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the above in greater detail, then the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

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